

Serial No. 09/788,669
Docket No. 30990156 US (1509-144)

REMARKS

Claims 8, 10 and 81-20 have been amended to overcome the objection to them. Claims 15 and 26 are amended to correct syntax. Because the foregoing changes do not require a new search or consideration of new issues, entry is in order.

The indication of claims 10, 18 and 21-24 containing allowable subject matter is noted.

Applicants traverse the rejection of claims 1, 7, 13, 14 and 25 as being anticipated by Torres (USP 6,564,282). The Examiner has apparently not properly construed the words "further compression" and "additional compression" in col. 5, line 65 and col. 6, lines 2, 10, 23, 24, 26 and 27. Column 5, lines 62-65, indicate the image data are JPEG compressed before storage and that most images are stored as compressed JPEG files. The next sentence, in col. 5, lines 65-67, indicates further compression is possible. In other words, the camera includes circuitry that compresses the raw image to JPEG and this compression occurs before the image is stored. The further or additional compression is of the JPEG compressed image that was stored. Column 6, lines 1-3, indicates the further compression of the JPEG image is to a predetermined level. Column 6, lines 13-31, when properly construed, means selected (priority) images that were JPEG compressed prior to storage are further compressed to the predetermined level referred to in col. 6, lines 3 and 6, and that others of the JPEG compressed images are not further compressed at all to the predetermined level. Hence, Torres only discloses selecting certain JPEG images for further compression to a predetermined level. All of the JPEG images that are further compressed are

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compressed to the same predetermined level. Because all the images are further compressed to the same predetermined level, Torres does not disclose how far to compress an image. Consequently, Torres does not disclose the requirements of claim 1 for a controller for selecting which information records are to be compressed and how far to compress a particular information record on the basis of the priority rating of the information record. Claim 25, depends on claim 1, and particularizes the "how far" limitation by requiring the compression to be by a variable amount on the basis of the priority rating. The allegation in the Office Action that the Torres disclosure of either compressing or not compressing an image meets the variable compression requirement of claim 25 is incorrect. In Torres, a stored image is either compressed to the predetermined level or remains as the JPEG compression level it had prior to being stored. Variable compression on the basis of priority rating means there is at least one compression level between a maximum compression level (the predetermined, further compression of Torres) and no compression of the initially stored image (the image of Torres that is JPEG compressed before being stored).

Applicants traverse the rejection of claim 15 under 35 USC §103(a) as being unpatentable over Torres (USP 6,564,282). As discussed above in connection with claim 1, Torres does not disclose all the limitations of the parent claim. Also, the Examiner admits Torres fails to explicitly state that whole groups of information records are given a common priority rating. Applicants cannot agree that one of ordinary skill in the art at the time the invention was made would have found it obvious to modify Torres by assigning a specific priority to a group of tagged images so that a user would not have to select every image and give it a priority if a user would like to save every image

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in a specific category. The Examiner says this would save considerable time and effort in the operation of the camera but gives no reason for such a conclusion. However, since Torres only compresses the JPEG image to one predetermined further level, there is no reason to assign a specific priority level in the Torres camera, . The rejection is based on hindsight.

Applicants traverse the rejection of claims 2 and 8 under 35 USC §103(a) as being unpatentable over Torres (USP 6,564,282) in view of Imai et al. (JP Pub. No. 09-128276 A). Because claims 2 and 8 depend on claim 1 and neither Torres nor Imai et al. discloses the "how far" limitation of claim 1, the rejection is wrong.

As for claim 8, the Examiner admits Torres fails to explicitly state that deletion of an image is only allowed if the image is stored elsewhere. The reliance on Imai et al. for this feature is misplaced. Imai et al. does not disclose and the Office Action says nothing about Imai et al. disclosing deletion if the image is stored elsewhere. Thus, the Office Action fails to establish a *prima facie* case concerning the claim 8 requirement for deletion being only permissible if the information record is stored elsewhere.

Applicants traverse the rejection of claim 3 under 35 USC §103(a) as being unpatentable over Torres in view of Sato (USP 6,314,206). Neither Torres nor Sato discloses the "how far" limitation of claim 1, upon which claim 3 depends. Sato is improperly combined with Torres to reject claim 3 because the user of the Sato device sets compression before the image is captured.

Applicants traverse the rejection of claims 4-6 under 35 USC §103(a) as being unpatentable over Torres in view of Sato and further in view of Makishima et al. (USP

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6,549,307). None of the applied references discloses the "how far" feature of claim 1, upon which claims 4-6 depend. The Examiner admits neither Torres nor Sato specifically discloses setting compression levels for defined functional purposes. Since Torres only further compresses to a predetermined level, one of ordinary skill in the art would not have modified Torres to meet the claim 4 requirement of maximum permissible compression for defined functional purposes of each record. In addition, combining Makishima et al. with Torres and Sato is wrong because Makishima et al. does not allow a file to be stored at a lesser compression level initially with an associated stored record of the file's priority such that it may be recompressed one or more times up to the maximum level as needs arise. Makishima et al. has only one compression step, where the initial compression is the highest compression level permissible for the purpose. Makishima et al. does not describe a method for associating the purpose with the file such that the priority could be modified later by the user or by an automatic purpose. The use of functional priorities to define maximum future compression levels of individual stored records is not obvious given that Torres only discloses a single global predefined compression level and that Sato and Makishima et al. both describe single compression levels that are applied once and for all up to the next file to be compressed. Therefore, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to set the compression level to be suitable for defined functional purposes.

Claims 5 and 6 depend on claim 4 and are allowable with claim 4.

Applicants traverse the rejection of claims 9, 16, 17 and 26 under 35 USC §103(a) as being unpatentable over Torres in view of Oie (USP 6,188,431). All of these

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claims, either directly or indirectly, include the "how far" limitation that neither Torres nor Oie discloses. Concerning claim 17, there is no need for the Torres CPU 344 to calculate the priority rating of a newly received information record (i.e., image) because Torres either does not compress at all or compresses to the predetermined level. Concerning claim 26, note the previous discussion anent claim 25.

Applicants traverse the rejection of claim 11 under 35 USC §103(a) as being unpatentable over Torres in view of Oie and further in view of Sato (USP 6,314,206). Since claim 11 depends on claim 1, claim 11 includes the "how far" limitation that none of the applied references discloses. The Office Action admits Torres fails to specifically disclose a priority rating having a maximum permissible compression level. However, claim 11 requires the priority rating to include maximum permissible compression levels for each information record. Since Torres has only no compression or compression to a predetermined level, one of ordinary skill would not have modified Torres to include maximum permissible compression levels for each record. In addition, in Sato, an operator sets a compression ratio for the image to be captured. This is entirely different from the image compression of claim 1 (upon which claim 11 ultimately depends) and the further image compression of Torres where image compression to the same predetermined level is done after the image has been stored.

Applicants traverse the rejection of claim 12 under 35 USC §103(a) over Torres in view of Oie and further in view of Sato and Makishima et al. Claim 12 depends on claim 11 and is allowable with claim 11. The Office Action admits none of the references applied against claim 11 discloses setting the compression level of each record for defined functional purposes. Reliance on Makishima et al. for this feature is

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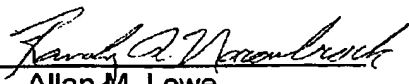
incorrect because in Makishima et al. an operator makes a compression selection prior to the image being captured by an image capture device. Therefore, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to set the most permissible compression level for each record to be defined to be suitable for defined functional purposes of each record.

Early issuance of a Notice of Allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,
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